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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

10 KIRK RISHOR,

11 Petitioner,

12 v.

13 UNITED STATES OF AMERICA,

14 Respondent.  
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CASE NO. C18-708 MJP

ORDER RE: STAY OF MOTION  
TO APPOINT COUNSEL & REPLY  
BRIEF DEADLINE

16 In an Order on Motion to Expand the Record, the Court denied Petitioner's request but  
17 indicated that it would entertain a motion from Petitioner to appoint counsel to assist him in  
18 assembling the record in support of his current petition. (Dkt. No. 6 at 2.) Petitioner has since  
19 filed that request. (*See* Dkt. No. 8, Motion for Appointment of Counsel.)

20 Since that time, the Government has filed its Response to Defendant's Motion Pursuant  
21 to 28 USC § 2255. (Dkt. No. 10.) The Government interposes a procedural objection to the  
22 petition; essentially, that "the present 2255 motion is Rishor's **second** motion filed pursuant to  
23 the Court [*sic*] to 28 U.S.C. § 2255... and must be dismissed as Rishor has not obtained the  
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1 necessary Ninth Circuit approval to file a second 2255 motion.” (Id. at 1; emphasis in original.)

2 If this argument is successful, it will dispose of Mr. Rishor’s matter before this Court until such  
3 time as he obtains the permission of the Ninth Circuit Court of Appeals to pursue his petition.

4 With that in mind, and in light of the fact that Petitioner does not require the records he  
5 has requested in order to respond to this legal, procedural argument made by the Government, it  
6 is the Court’s intention to:

- 7 1. STAY the motion to appoint counsel until such time as a ruling on the Government’s  
8 dismissal request issues.
- 9 2. Request reply briefing from Petitioner on the Government’s “second successive  
10 petition” argument; said reply briefing to be filed by no later than **August 31, 2018**.

11  
12 It is so ordered.

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14 The clerk is ordered to provide copies of this order to Petitioner and to all counsel.

15 Dated July 27, 2018.

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17 The Honorable Marsha J. Pechman  
18 United States Senior District Court Judge  
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